



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/724,369

11/26/2003

Michael E. Sproul

2630.001

1491

21917 7590 03/28/2008  
MCHALE & SLAVIN, P.A.  
2855 PGA BLVD  
PALM BEACH GARDENS, FL 33410

EXAMINER

CARPENTER, WILLIAM R

ART UNIT

PAPER NUMBER

3767

MAIL DATE

DELIVERY MODE

03/28/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Examiner-Initiated Interview Summary</b>	<b>Application No.</b> 10/724,369	<b>Applicant(s)</b> SPROUL, MICHAEL E.	
	<b>Examiner</b> WILLIAM CARPENTER	<b>Art Unit</b> 3767	

  

**All Participants:**

(1) WILLIAM CARPENTER.

(2) MICHAEL SLAVIN.

**Date of Interview:** 19 March 2008

**Type of Interview:**  
☒ Telephonic  
☐ Video Conference  
☐ Personal (Copy given to: ☐ Applicant    ☐ Applicant's representative)  
Exhibit Shown or Demonstrated: ☐ Yes    ☐ No  
If Yes, provide a brief description: \_\_\_\_\_

**Status of Application:** PENDING

(3) \_\_\_\_\_

(4) \_\_\_\_\_

**Time:** 1:30 PM

  

**Part I.**

Rejection(s) discussed:

  

Claims discussed:

1-17

  

Prior art documents discussed:

  

**Part II.**

**SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:**

*The traversal of Examiner's restriction requirement was discussed. Applicant's position was that Figures 4 and Figures 5 should be considered a single species. Examiner's position was stated as since Figure 4 discloses a bone tamp in conjunction with a vertebrae and Figure 5 discloses a bone tamp in conjunction with the femoral neck the difference in application as well as the difference in necessary structure is divergent enough so as to constitute separate species, denoting a burdensome search. Dissimilarities in structure of the two species can be evidenced by Applicant's disclosure. The transducer in Figure 5 is disclosed as taking the form of an internal splint, whereas the transducer in Figure 4 does not take such a similar shape. While the two transducer may have some commonalities, such commonalities are merely superficial with regards to conducting a search of the prior art.*

  

**Part III.**

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

  
  
  

/William Carpenter/  
Examiner, Art Unit 3767

(Applicant/Applicant's Representative Signature – if appropriate)

